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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,190	10/10/2003	Akira Matsui	242882US3 CONT	1267
22850	7590	11/22/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			WATKO, JULIE ANNE	
			ART UNIT	PAPER NUMBER
			2653	

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/682,190

Applicant(s)

MATSUI ET AL.

Examiner

Julie Anne Watko

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5, 6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5, 6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/812,547.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/10/2003.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

Art Unit: 2653

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of group I, claims 5-6, 8 and 10, in the reply filed on August 9, 2004, is acknowledged. The traversal is on the ground(s) that the additional burden upon the Examiner is not a serious burden. The Examiner has considered this argument thoroughly. Although the drum of claim 9 could be used with other drum mounting units, the Examiner has decided, in her discretion, to assume the burden of examining claim 9 in this application.

Claims 5-6 and 8-10 are hereby examined on the merits.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the parent file, SN 09812547.

### ***Claim Objections***

3. Claims 5-6 and 9 are objected to because of the following informalities:

Claim 6 recites the limitation "at least one mounting hole" in line 5, and the limitation "the shaft mounting hole" in line 6. No "shaft mounting hole" has been previously recited. The Examiner suggests the limitation -- wherein the mounting surface has a shaft mounting hole -- in claim 5, line 3.

Claim 9 recites the limitation "the bottom of the cylindrical fixing" in line 7. The Examiner suggests -- the bottom of the cylindrical fixing member -- for consistency with claim 9, line 3.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakai (US Pat. No. 5321569).

As recited in claim 5, Sakai shows a base of a magnetic recording reproducing apparatus, said base comprising a tilt stand (see 11) being formed on the base and having a mounting surface tilted to mount a drum 1 thereon, wherein the mounting surface has a mounting hole 21 into which the shaft of the drum (see Fig. 7) is inserted to regulate the position of the drum on the mounting surface.

As recited in claim 6, Sakai shows at least one mounting hole (in which 25 is located) formed in the mounting surface in the range of a diameter smaller than the diameter of the drum from the shaft mounting hole (see Fig. 7) to mount the drum.

6. Claims 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Naito (JP 8-55318 A).

As recited in claim 8, Naito shows a base 5 of a magnetic recording reproducing apparatus, said base comprising: a tilt stand 3 being formed on the base 5 and having a mounting surface tilted to mount a drum (including 1) thereon, and a cut (see 7 in Fig. 2) and bent (see 6 in Fig. 1; see also Fig. 4) portion which is formed by cutting and bending (see especially Fig. 3) the base 5 and retains the drum mounted on the tilt stand to provisionally fix the drum.

Art Unit: 2653

As recited in claim 10, Naito shows a drum mounting unit of a magnetic recording reproducing apparatus, said drum mounting unit comprising a tilt stand 3 formed on a base 5; a cut 7 and bent 6 portion formed on the tilt stand by cutting and bending the base 5; and a retaining portion 11 having a shape corresponding to the cut and bent portion (insofar as 11 fits into holes in 3), wherein the drum (including 1) is provisionally mounted on the tilt stand by making the retaining portion 11 retain the cut and bent portion (see Fig. 4).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishida (US Pat. No. 5831796).

As recited in claim 9, Nishida shows a drum of a magnetic recording reproducing apparatus, said comprising; a cylindrical fixing member 2 for supporting a cylindrical rotary

Art Unit: 2653

member 4 provided with a head 5 for tracing a tape; a shaft 3 being a rotational center of the cylindrical rotary member and projecting from the bottom of the cylindrical fixing; and a fixing portion 11 or 12 formed on the bottom of the cylindrical fixing member.

As recited in claim 9, Nishida is silent regarding whether fixing portion 11 or 12 is provided at a position nearer to a center side than an end portion of the cylindrical fixing member, and whether the head projects from the peripheral surface of the rotary cylindrical member; however, it is well established that there is no invention whatsoever in relocating a part of a known apparatus when that change in location has no effect upon the functioning of the apparatus. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950). Applicant has failed to show any effect upon the functioning of the apparatus based upon the claimed location.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Müftü et al (US Pat. No. 6151191) show a drum wherein a head projects from a rotary member (see Figs. 7A and 7C).

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

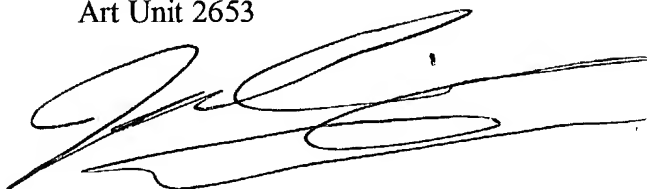
Art Unit: 2653

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Anne Watko whose telephone number is (703) 305-7742. The examiner can normally be reached on Tues, Thurs and Fri 10AM-10PM, alternate Saturdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (703)305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Julie Anne Watko  
Primary Examiner  
Art Unit 2653

November 19, 2004  
JAW

A handwritten signature in black ink, appearing to read 'Julie Anne Watko', with a long horizontal flourish extending to the right.